

950 cases of canned tomatoes, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the West River Canning Co., Galloways, Md., on or about August 15, 1920, and transported from the State of Maryland into the State of Minnesota, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "Pride Of Arundel Brand Tomatoes" (design showing whole tomato) "Contents 1 Lb. 3 Oz. \* \* \* Packed By West River Canning Co. Incorporated Galloways, Md."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with, and substituted in part for, the said article.

Misbranding was alleged for the reason that the statement "Tomatoes," together with the design showing a whole tomato, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On June 20, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold or destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**9506. Misbranding of Hall's catarrh medicine. U. S. \* \* \* v. 79 Bottles of \* \* \* Hall's Catarrh Medicine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14074. Inv. No. 24932. S. No. E-2936.)**

On December 16, 1920, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 79 bottles of Hall's catarrh medicine, at Binghamton, N. Y., alleging that the article had been shipped on or about September 24, 1920, by F. J. Cheney & Co., Toledo, Ohio, and transported from the State of Ohio into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) "Hall's Catarrh Medicine;" (booklet) "\* \* \* Catarrh \* \* \* nose, throat, ear passages, stomach, bowels, bladder, uterus, \* \* \* small cavities, called antrums and sinuses \* \* \* This form of catarrh \* \* \* should be conquered at all costs. \* \* \* Sense of Smell. \* \* \* When the sense of smell has been destroyed by catarrh, Hall's Catarrh Medicine \* \* \* assists in restoring normal conditions. \* \* \* Deafness \* \* \* sometimes requires long treatment \* \* \*"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of a solution of potassium iodid, bitter plant extractives, sugar, and cardamom, in alcohol and water.

It was alleged in substance in the libel that the article was misbranded for the reason that the above-quoted statements, printed upon the carton and in the booklet referred to, were false and fraudulent in that the article did not and could not produce the curative and therapeutic effects alleged in said statements, and, in fact, said article contained no ingredient or combination of ingredients able to produce the results claimed for it; that said statements so branded upon the carton and printed in said booklet were misleading and were intended to deceive, and were wilfully, wrongfully, and unlawfully branded and added to said packages for the purpose and with the intent to deceive and mislead anyone needing such alleged remedy to believe and understand that said product would produce the curative effects stated.

On January 31, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**9507. Adulteration and misbranding of prepared mustard. U. S. \* \* \* v. 3 Cases and 38 Cases \* \* \* of Prepared Mustard. Decrees of condemnation, forfeiture, and destruction. Containers returned to claimant of 38 cases. (F. & D. Nos. 14406, 14407. I. S. Nos. 10193-t, 10225-t. S. Nos. W-862, W-863.)**

On February 7, 1921, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 3 cases, each containing 6 one-gallon jars, and 38 cases, each containing 3 dozen 4-ounce tumblers, of prepared mustard, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the Kondit Co., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., on or about December 13, 1920, and March 31, 1920, respectively, and transported from the State of Illinois into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled on the respective cases in part, "3 Dozen 4 Oz. [Tumblers] Net Weight 4 Oz. J. S. B. Brand Prepared Mustard Natural Flavor \* \* \*," or "Six One-Gallon Jars Reliance Brand Prepared Mustard. The Kondit Co., Chicago, Ill. \* \* \*"

Adulteration of the article was alleged in the libels for the reason that mustard hulls had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for prepared mustard.

Misbranding was alleged in substance for the reason that the labels bore the statement regarding the article, to wit, "Prepared Mustard," which was false and misleading and calculated to deceive and mislead the purchaser in that the article was not prepared mustard, but was prepared mustard mixed and packed with mustard hulls.

On March 18, 1921, Logan Wallace having entered an appearance as claimant for the 38 cases of the article and having admitted all material allegations of the libel, it was ordered by the court that the libel be taken as confessed against the product, and it was further ordered by the court that, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the said product be returned to Chicago, Ill., to be destroyed by the United States marshal, the containers be delivered to the said claimant. On May 31, 1921, no claimant having appeared for the 3 cases of the article, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**9508. Misbranding of Egyptian regulator tea. U. S. \* \* \* v. 60 Small, 16 Medium, and 5 Large Packages of \* \* \* Egyptian Regulator Tea. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14442. I. S. No. 10197-t. S. No. W-872.)**

On February 16, 1921, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 60 small, 16 medium, and 5 large packages of Egyptian regulator tea, consigned by the Kells Co., Newburgh, N. Y., remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped